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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,212	12/06/2000	Clifford L. Spiro	LD-11332/GEC 2 0450	8624

7590 01/20/2004

Timothy E. Nauman, Esq.
Fay, Sharpe, Fagan
Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518

EXAMINER

YUN, JURIE

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,212

Applicant(s)

SPIRO ET AL.

Examiner

Jurie Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 16, 17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-12, 14, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 11/17/03 has been entered.

Drawings

2. The drawings were received on 11/24/03. These drawings are acceptable.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6, 9-12, 14, 15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell, Jr. (USPN 3,746,906) in view of Ferenc (USPN 4,866,329).
6. With respect to claims 1 and 2, Cardwell, Jr. discloses a high brightness lamp comprising: a concave reflector (12); an end cap (41) connected with a neck of the reflector, the end cap having a fitting for mounting the lamp to an electric socket, whereby the lamp is supported from a ceiling; a light source (23) positioned within the reflector, with its major axis perpendicular to an axis of the lamp passing through the end cap; a lens (13) which covers an open end of the reflector. Cardwell, Jr. discloses all the elements of the lamp but is silent as to the beam angle. Ferenc discloses a high brightness lamp which emits light with a beam angle which is at least 45 degrees. The

lamp disclosed by Ferenc is a "wide angle warning light", which would have a beam angle of at least 45 degrees and up to 180 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Cardwell, Jr. lamp emit light at a beam angle of at least 45 degrees, as exemplified by Ferenc, if a wide beam angle is desired.

7. With respect to claim 3, Cardwell, Jr. discloses the lamp has a narrow profile, the reflector having a diameter which is about twice a height of the reflector and lens combined (see Fig. 1).

8. With respect to claims 4 and 5, Cardwell, Jr. and Ferenc disclose the lamp has a narrow profile, but do not specifically disclose the reflector has a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or about 3:1. However, this is a design choice to calculate by experimentation the ratios of the reflector diameter to length to determine which values provide the best light conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Cardwell, Jr./Ferenc lamp reflector have a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or about 3:1, to provide for maximum brightness.

9. With respect to claim 6, Cardwell, Jr. does not disclose the lens includes a plurality of lenticules which spread the beam. Ferenc discloses the lens (34) includes a plurality of lenticules (44) which spread the beam (column 3, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use

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a plurality of lenticules which spread the beam, in the Cardwell, Jr. lamp lens, if a wide beam angle is desired.

10. With respect to claim 9, Cardwell, Jr. does not disclose the light source is a tungsten halogen tube. Ferenc discloses the light source is a tungsten halogen tube (column 2, line 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tungsten halogen tube instead of the filament used by Cardwell, Jr., as this is a functionally equivalent light source.

11. With respect to claim 10, Ferenc does not disclose the light source is a double ended quartz tungsten halogen tube. Ferenc discloses a halogen tube (column 2, lines 50-51). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cardwell, Jr./Ferenc lamp and have the light source be a double ended quartz tungsten halogen tube. These are functional equivalents.

12. Claims 11, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell, Jr. (USPN 3,746,906) in view of Ferenc (USPN 4,866,329), and further in view of McBride, Jr. et al. (USPN 6,034,473).

13. With respect to claim 11, Cardwell, Jr. in view of Ferenc disclose all the elements, as evidenced in the claim 1 rejection given above, except that the light source is positioned between a focal point of the reflector and the lens. McBride, Jr. et al. disclose the light source is positioned between a focal point of the reflector and the lens (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Cardwell, Jr. in view of Ferenc

lamp and have the light source positioned between a focal point of the reflector and the lens, as taught by McBride, Jr. et al., to provide a greater light output than is achievable by positioning the light source at the focal point of the reflector (Abstract).

14. With respect to claims 12 and 14, Cardwell, Jr. in view of Ferenc disclose all the elements, as evidenced in the claim 1 and claim 4 rejections given above, except for positioning the light source of the lamp between the focal point of the reflector and the lens. McBride, Jr. et al. disclose the light source is positioned between a focal point of the reflector and the lens (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Cardwell, Jr. in view of Ferenc lamp and have the light source positioned between a focal point of the reflector and the lens, as taught by McBride, Jr. et al., to provide a greater light output than is achievable by positioning the light source at the focal point of the reflector (Abstract).

15. With respect to claim 15, Cardwell, Jr. does not disclose the lens includes a plurality of lenticules for spreading the beam. Ferenc discloses the lens (34) includes a plurality of lenticules (44) for spreading the beam (column 3, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of lenticules for spreading the beam in the Cardwell, Jr. lamp lens, if a wide beam angle is desired.

16. With respect to claim 18, Cardwell, Jr. does not disclose the light source is a tungsten halogen lamp. Ferenc discloses the light source is a tungsten halogen lamp (column 2, line 51). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use a tungsten halogen lamp instead of the filament used by Cardwell, Jr., as this is a functionally equivalent light source.

Allowable Subject Matter

17. Claims 7, 8, 16, 17, and 20 are allowed for the reasons cited in the previous office action.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 703 308-3535. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 703 308-4858. The fax phone number for the organization where this application or proceeding is assigned is 703 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.



Jurie Yun
January 9, 2004



EDWARD G. GLICK
SUPERVISORY PATENT EXAMINER